



DEPARTMENT OF TRANSPORTATION  
MATERIALS TRANSPORTATION BUREAU  
WASHINGTON, D.C. 20590

15748

[49 CFR Parts 172 and 175]

[Docket No. HM-149B; Notice 79-41]

**HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS; CARRIAGE BY AIRCRAFT**

**Air Transportation of Limited Quantities of Low-level Radioactive Materials; Exemption Renewal**

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, D.O.T.

**ACTION:** Notice of proposed exemption renewal.

**SUMMARY:** The Material Transportation Bureau (MTB) proposes to renew the limited exemption found in 49 CFR 172.204(c)(4), 175.10(a)(6) and 175.700(d) for air transport of small quantities of materials exhibiting very low levels of radiation. These materials do not present a significant hazard to passengers and crew of an aircraft. The intended effect of this proposed action is to permit continued transportation by passenger aircraft of these materials under existing restrictions.

**DATES:** Comments must be received before April 16, 1979.

**ADDRESS:** Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

**FOR FURTHER INFORMATION CONTACT:**

John C. Allen, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Washington, D.C. 20590; 202-755-4962.

**SUPPLEMENTARY INFORMATION:** The Materials Transportation Bureau (MTB) is proposing to renew for two years the limited exemption found at 49 CFR 172.204(d)(4), 175.10(a)(6) and 175.700(d) for air transportation of small quantities of materials exhibiting very low levels of radiation. This exemption would also include excep-

tions from shipping paper and shippers' certification requirements for only those materials shipped as a component part of an instrument or manufactured article.

Conforming with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemption in §§172.204(c)(4), 175.10(a)(6) and 175.700(d) is limited to a two-year life unless reexamined and renewed. The exemptions were last renewed by Docket HM-149 (42 FR 22366) published on May 3, 1977. The legal background and regulatory history of these exemptions were discussed in that amendment and the preceding notice of proposed rulemaking (42 FR 16459, March 28, 1977). The exemptions will expire on May 3, 1979. MTB proposes to renew the exemptions on the finding that renewal is consistent with the public interest and safety.

Primary drafters of this document are John C. Allen, Office of Hazardous Materials Regulation, Materials Transportation Bureau and Evan C. Braude of the Office of the Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, it is proposed to amend Parts 172 and 175 of Title 49, Code of Federal Regulations as follows:

1. In §172.204, paragraph (c)(4) would be revised to read as follows:

§172.204 Shippers certification.

(c) \* \* \*

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, medical diagnosis or treatment. Prior to May 3, 1981, this provision does not apply to materials meeting the requirements of §173.391(a), (b), or (c)

of this subchapter in effect on May 3, 1979.

2. In §175.10, paragraph (a)(6) would be revised to read as follows:

175.10 Exceptions.

(a) \* \* \*

(6) Prior to May 3, 1981, radioactive materials which meet the requirements of §173.391(a), (b), or (c) of this subchapter in effect on May 3, 1979.

3. In §175.700, paragraph (d) would be revised to read as follows:

§175.700 Special requirements for radioactive materials.

(d) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research or medical diagnosis or treatment. Prior to May 3, 1981, this prohibition does not apply to materials which meet the requirements of §173.391(a), (b), or (c) of this subchapter in effect on May 3, 1979.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and paragraph (a) of Appendix A to Part 106).

**NOTE:** The Materials Transportation Bureau has determined that this proposed regulation will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9583). A regulatory evaluation is available for review in the Docket.

Issued in Washington, D.C. on March 7, 1979.

ALAN I. ROBERTS,  
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